

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW ORSO AS SUCCESSOR
TRUSTEE TO KENNETH D. BELL IN
HIS CAPACITY AS COURT-
APPOINTED RECEIVER FOR REX
VENTURE GROUP, LLC,

Case No. 8:21-mc-15-JSM-AEP

Plaintiff,

v.

JESUS RODRIGUEZ,

Defendant.

ORDER

This matter comes before the Court on Plaintiff's Motion for Issuance of Continuing Writ of Garnishment against Outreach World Foundation Corporation (Doc. 24). A judgment in the amount of \$52,076.89 was entered in the action between the parties on August 14, 2017 in the District Court for the Western District of North Carolina, Charlotte Division, which was subsequently registered in the District Court for the Middle District of Florida on January 21, 2021 (Doc. 1). *See* 28 U.S.C. § 1963. According to Plaintiff, the judgment, plus post-judgment interest, in the amount of \$54,968.11 remains unsatisfied. Plaintiff believes that Defendant is not in possession of tangible property on which a levy can be made sufficient to satisfy the judgment. Upon receipt of recent information, however, Plaintiff believes Garnishee Outreach World Foundation Corporation is the employer of Defendant and therefore possesses salary or wages belonging to Defendant, which

may be applied to the balance owed on the judgment. By the instant motion, Plaintiff now requests that the Court issue a writ of continuing garnishment directed to Garnishee Outreach World Foundation Corporation to recover on the outstanding judgment.

Pursuant to Rule 69, Federal Rules of Civil Procedure, the Court must follow state law regarding execution of a judgment. Fed. R. Civ. P. 69(a)(1). In Florida, a person who has recovered a judgment in any court has a right to a writ of garnishment. Fla. Stat. § 77.01. Under Florida Statutes § 77.0305, “if salary or wages are to be garnished to satisfy a judgment, the court shall issue a continuing writ of garnishment to the judgment debtor’s employer which provides for the periodic payment of a portion of the salary or wages of the judgment debtor as the salary or wages become due until the judgment is satisfied or until otherwise provided by court order.” As Plaintiff has recovered a judgment against Defendant, which remains outstanding, the Court may enforce the judgment through a writ of continuing garnishment pursuant to Florida law. *See Ainbinder v. Hingson*, Case No. 8:18-mc-54-T-33JSS, 2018 WL 6605247, at *1 (M.D. Fla. July 23, 2018). Accordingly, it is hereby

ORDERED:

1. Plaintiff’s Motion for Issuance of Continuing Writ of Garnishment against Outreach World Foundation Corporation (Doc. 24) is GRANTED.
2. The Clerk is hereby directed to issue a Writ of Continuing Garnishment upon the Garnishee Outreach World Foundation Corporation.

3. As Defendant Jesus Rodriguez is an individual, the Clerk is hereby directed to attach the required notice to Defendant Jesus Rodriguez pursuant to Florida Statutes § 77.041(1) to the Writ of Continuing Garnishment.

DONE AND ORDERED in Tampa, Florida, on this 22nd day of March, 2022.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record